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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/090,809	03/06/2002	Junko Hirota	500.36774VX1	6895

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MATTINGLY, STANGER, MALUR & BRUNDIDGE, P.C.
1800 DIAGONAL ROAD
SUITE 370
ALEXANDRIA, VA 22314

EXAMINER

APPLE, KIRSTEN SACHWITZ

ART UNIT	PAPER NUMBER
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3694

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12/13/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/090,809	Applicant(s) HIROTA ET AL.	
	Examiner Kirsten S. Apple	Art Unit 3693	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 September 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 20-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 20-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Detailed Action

This action is in response to the application response filed on September 5, 2007.

Claim Rejections - 35 USC § 112

The examiner understands that the previous claims were canceled and new claims were submitted. However, the language in the new claims has similar 112 issues to the old claims. It appears that these new claims are a rewritten version of the old claims.

Claim 20-23 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The claims are generally narrative and infinite, failing to conform to current U.S. practice.

In particular the examiner did not understand claim 20:

“confirming that the unused state is stored in the use state corresponding...”

It is unclear to the examiner and one of ordinary skill in the art what is claimed by this description. For the purposes of this review the examiner will interpret the claim to be:

“Once used changing states to “used”

The examiner believes that based on the remarks particularly page 12, paragraph 3, that the “provides information regarding whether the management number has been used or not” is what the applicant is arguing is novel however the claims as they are currently read are unclear and if there is any novelty it is not apparent because they are not understood. The examiner would really like to work with the applicant to make

these more clear. It is recommended that the applicant in rewriting the claims to be more clear have an outside read them to see if they understand what is being said. Also if the applicant chooses to rewrite the claims and file an RCE the examiner would be willing to schedule an interview to reread the claims to ensure they are clear.

Claim Rejections - 35 USC § 103

The Examiner has read and reviewed all of the information provided by the Applicant. The examiner rejects as final claims 20-23 under 35 USC 103.

The Applicant attention is re-drawn to the following:

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains.

Patentability shall not be negated by the manner in which the invention was made.

Claims 20-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Walker (U.S. Patent 6,107,932) in view of Official notice.

Re claim 20, 22 & 23: Walker discloses:

A system and method for exchanging documents, comprising:

An application apparatus which permits an application to submit a document with payment of a fee(see Walker, Figure 2, item 290)

Payment acceptance server includes payment acceptance process unit (see Walker, Figure 2, item 210)

Document acceptance server includes a document acceptance processing unit (see Walker, Figure 2, item 295)

A Network (see Walker, Figure 2)

Application apparatus includes a document transmit processing unit (see Walker, Figure 2, item 295)

Payment acceptance processing includes: payment certificate management database, payment amount, application information, processing unit for credit inquiry, allocating a record for a new management number, creating payment certificate data, storing application information (see Walker, Figure 2, item 290)

Application apparatus includes receiving payment certificate data, attaching payment certificate data, transmitting document data with payment certificate to document acceptance server (see Walker, Figure 2, item 295)

Payment certificate includes a management number as information of amount, applicant information, expiration date, and signature, plus info that fee payment can be guaranteed (see Walker, Figure 13A, item 1316)

Once used changing statues to "used" (see Walker, Figure 6, item 616)

Processing unit (see Walker, Figure 2, item 290)

Although Walker does not have Transmitting document, Official notice claims "Transmitting document"

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to add transmitting document instead of printing as taught in Official notice to Walker.

It is clear that one would be motivated because customer does not need to be physically present to pick up printed ticket.

Re claim 21: Walker discloses:

In addition to the information above in claim 21

Document transmit processing unit- causes a desired document to be transmitted

(see Walker, Figure 2, item 290)

Processing unit for receiving document data (see Walker, Figure 2, item 295)

Response to Arguments

Applicant's arguments filed September 5, 2007 have been fully considered but they are not persuasive.

In particular, and respect to Claim 1 the Applicant argued 1st: unique according to the present invention is the payment acceptance server.

The Examiner refutes the argument made by the Applicant and draws the attention to Walker, Figure 2, item 210 this set of three databases includes all of the features of the payment acceptance server. In additional to this prior art many payment systems would include identical features.

Applicants argued 2nd, also unique is the "payment certificate management database"

The Examiner refutes the argument made by the Applicant and draws the attention to Walker, Figure 2, item 220 the ticket database which would include a management number or item number per ticket ordered. "regarding whether the management number has (been) used or not" the claims currently do not clear describe this feature and as such the examiner has given not weight to it except to said that Walker includes changing states to used in Figure 6, item 616.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. See MPEP § 706.07(a). Accordingly,

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kirsten S. Apple whose telephone number is 571.272.5588. The examiner can normally be reached on Monday - Friday 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on 571-272-6712. The fax phone number for the organization where this application or proceeding is assigned is 571-272-6126.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ksa



MARY D. CHEUNG
MARY EXAMINER